

Mr. Allison Barton Rice
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Plaintiff, in propria persona

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

ALLISON BARTON RICE, an individual,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN FRANCISCO; LONDON BREED, MAYOR OF THE CITY OF SAN FRANCISCO; KATE HARTLEY, DIRECTOR OF THE SAN FRANCISCO MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT; MARIA BENJAMIN, DIRECTOR OF HOMEOWNERSHIP & BELOW MARKET RATE PROGRAMS SAN FRANCISCO MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT; CISSY YIN, HOMEOWNERSHIP & BELOW MARKET RATE PROGRAMS COMPLIANCE MANAGER SAN FRANCISCO MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT; DENNIS HERRERA, SAN FRANCISCO CITY ATTORNEY; KEITH NAGAYAMA, SAN FRANCISCO CITY DEPUTY ATTORNEY and DOES 1 through 50,

Defendants.

CASE NO. 19-cv-04250 LB

**PLAINTIFF'S NOTICE OF
MOTION AND MOTION TO STAY
PROCEEDINGS PENDING
APPEAL DECISION BY THE
COURT OF APPEALS FOR THE
NINTH CIRCUIT; [PROPOSED]
ORDER**

Hearing Date: N/A
Time: N/A
Place: 450 Golden Gate Ave.
Courtroom B, 15th Fl
San Francisco, CA
94102

Trial Date: N/A

1 1. Plaintiff Rice filed his ‘Notice of Appeal from a Judgement or Order of a United
2 States District Court’ to the United States Court of Appeals for the Ninth Circuit on July 18,
3 2023. (ECF No. 235).

4 2. Acknowledgement of Rice’s ‘Notice of Appeal’ in the Clerk’s office of the United
5 States Court of Appeals for the Ninth Circuit and a ‘Time Schedule Order’ were filed on July
6 19, 2023 (9th Cir. Case No. 23-16013). (ECF No. 237)

7 3. Generally, any further proceedings in *Rice v. CCSF, et al* (Case No. 19-cv-04250-LB)
8 in this Court prior to the future appeal decision by the 9th Cir. would be premature or otherwise
9 untimely.

10 4. There is no evidence that staying the proceedings in *Rice v. CCSF, et al* in this Court
11 until the 9th Cir. has made its appeal decision would cause any hardship to Defendant CCSF,
12 this Court, or anyone else.

13 5. Therefore, Plaintiff Rice respectfully request this Court stay the proceedings in *Rice v.*
14 *CCSF, et al* (Case No. 19-cv-04250-LB), including the filing of Plaintiff Rice’s “objection” to
15 Defendant CCSF’s “Bill of Costs”, until the 9th Cir. has made its appeal decision in *Rice v.*
16 *CCSF, et al* (9th Cir. Case No. 23-16013).

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18 Dated: August 15, 2023

Respectfully Submitted,

19 By: /s/ Allison Barton Rice

20 Allison Barton Rice, Plaintiff pro per
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[PROPOSED] ORDER

Based on the above and for good cause appearing, the Court ORDERS as follows:
Proceedings in *Rice v. CCSF, et al* (Case No. 19-cv-04250-LB), including the filing of Plaintiff
Rice's "objection" to Defendant CCSF's "Bill of Costs", in this Court shall be stayed pending
the 9th Cir. appeal decision in the case of *Rice v. CCSF, et al* (9th Cir. Case No. 23-16013).

DATED: _____

HONORABLE LAUREL BEELER
United States Magistrate Judge